

SENATE BILL 447

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to sexual and commercial sex
trafficking offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-301, is amended by deleting subdivision (4) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 39-13-301, is amended by deleting from subdivision (15) the language “‘Sexual servitude’ means” and substituting instead the language “‘Commercial sex acts’ mean”.

SECTION 3. Tennessee Code Annotated, Section 39-13-309, is amended by deleting from subsection (c) the language “where the victim of the offense is a child under fifteen (15) years of age, or”.

SECTION 4. Tennessee Code Annotated, Section 39-13-309, is amended by adding the following new subsections:

(d) A violation of subsection (a) is a Class A felony when the person that committed the offense is a “criminal gang member” or commits a “criminal gang offense” as defined in § 40-35-121.

(e) It is not a defense to a violation of subsection (a) that the subject of the offense is a law enforcement officer or that the victim of the offense is a minor and consented to the offense.

(f) Notwithstanding the provisions of title 40, chapter 35, a person convicted of a violation of this section against a minor shall be punished as a Range II offender. Nothing in this subsection prevents the person from being sentenced from within Range III, if appropriate, but in no event shall sentencing be from a range lower than Range II.

SECTION 5. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new subdivision to subdivision (20):

() Patronizing prostitution of a minor, under § 39-13-514(d); provided, that the offense occurs on or after July 1, 2013;

SECTION 6. Tennessee Code Annotated, Section 39-13-514, is amended by deleting subdivision (b)(4)(A) and substituting instead the following:

(A) Patronizing prostitution from a person who has an intellectual disability is a Class E felony.

SECTION 7. Tennessee Code Annotated, Section 39-13-514, is amended by adding the following new subsections:

(d) An offense under subsection (a) against a minor is a Class A felony with a fine not exceeding fifty thousand dollars (\$50,000).

(e) It is not a defense to a violation of subsection (a) that the subject of the offense is a law enforcement officer or that the victim of the offense is a minor and consented to the offense.

SECTION 8. Tennessee Code Annotated, Section 39-13-513, is amended by deleting from subsection (d) the language “national human trafficking resource center hotline” and substituting instead the language “Tennessee Human Trafficking Resource Center hotline”.

SECTION 9. Tennessee Code Annotated, Section 39-13-513, is amended by deleting from subsection (e) the language “or charged” both times it appears in the subsection and substituting instead the language “suspected or charged”.

SECTION 10. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to offenses committed on or after the effective date of this act.